

~~carton may be shipped and stored with the large compartment filled and the small compartment empty].~~

Applicant also submits a clean, unmarked version of amended claim 14 attached hereto as Exhibit A.

REMARKS

In the Office Action dated January 17, 2002, the Examiner acknowledged applicant's election with traverse of claims 14 and 15 (Group III in Paper No. 3). Next, the Examiner rejected claims 14 and 15 under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. The Examiner also rejected claims 14 and 15 under 35 U.S.C. Section 102(b), or in the alternative under 35 U.S.C. Section 103(a), as being anticipated or obvious over U.S. Patent No. 5,890,648 to Cai or U.S. Patent No. 1,973,209 to Hooker. Finally, the Examiner rejected claims 14 and 15 under 35 U.S.C. Section 103(a) as being unpatentable over either Cai or Hooker, and further in view of U.S. Patent No. 5,746,317 to Turner et al.

With respect to the Section 112 rejection, applicant has amended claim 14 to particularly point out and distinctly claim applicant's invention. The claim is not intended to cover a pet bed but rather a "system for shipping a pet bed." That system, according to claim 14, includes a carton "means for compacting ... for sealing ... [and] for temporarily closing ..." The "means" clauses do not modify only the preamble phrase but rather positively describe the elements of the system that together enable a manufacturer of a pet bed, for example, to ship that bed in a manner that reduces its customers' inventory and space requirements.

Regarding the Examiner's Section 102(b) and 103(a) rejections, the Examiner has cited Cai or Hooker as anticipating or rendering obvious claims 14 and 15. The Examiner has also cited Cai or Hooker in combination with Turner et al. as rendering claims 14 and 15 obvious. Cai teaches a container formed from a unitary blank of foldable material to provide a two-compartment covered tray for accommodating a food product and separately secured sauce cup. Hooker teaches a rigid container formed by a single blank of cardboard folded into a first and second compartment and a partition. Turner et al. teaches a flexible container for storing a Christmas tree formed from a gas impermeable plastic sheet to provide a pneumatically sealable chamber. Air is evacuated from the container collapsing the container walls for convenient storage of the Christmas tree when not in use.

Neither Cai or Hooker anticipate the system of claim 14. Claim 14 covers a system for shipping a pet bed comprising a number of elements, only one of which is a multi-compartment container. Neither Cai nor Hooker disclose compressing the article or articles to be stored in the container before being placed in the container. Specifically, the container disclosed in Cai is intended to be used with a food product, such as a fried chicken nugget, and an accompanying sauce. Cai does not teach compressing the food product or sauce for storage within the container and there would be no reason or motivation to do so. Hooker does not teach any specific article or articles to be stored within the container. Accordingly, neither of these references anticipates the system of claim 14 under Section 102(b).

Additionally, neither Cai nor Hooker render the system of claim 14 obvious under Section 103(a). Cai does not contemplate compressing the sauce or food product prior to storage in the claimed container, presumably because of their nature as food products. Hooker only focuses on the multi-compartment container itself and does not contemplate any treatment of

articles before being stored in the container. Accordingly, neither of these references alone render the system of claim 14 obvious under Section 103(a).

The Examiner has also combined either Cai or Hooker with Turner et al. to support the argument that the system of claim 14 is obvious. However, neither of these combinations result in an operable device. Turner et al. teaches the evacuation of air from inside the container to collapse the container walls for efficient storage. The container is comprised of a flexible material because it is intended to be easily collapsed and reused. Furthermore, the container provides only a flexible protective covering around the stored article, but no structural integrity or rigidity.

The invention of claim 14, as well as the devices disclosed in Cai and Hooker, provides a rigid casing around a stored article. Applying the evacuation teachings of Turner et al. to the containers of both Cai and Hooker would render the containers of the claimed inventions inoperative by destroying the structural integrity of the container material. The claimed invention describes means for compacting the product within a carton—a pet bed—not the carton itself. Accordingly, a combination of either Cai and Turner et al. or Hooker and Turner et al. does not render the system of claim 14 obvious under Section 103(a).

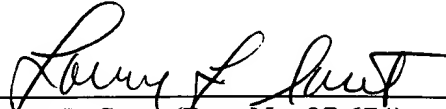
Because claim 15 is dependent on claim 14, claim 15 is allowable for the same reasons as stated above.

CONCLUSION

Based on the foregoing, applicant respectfully submits that pending claims 14 and 15 are allowable.

Respectfully submitted,

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